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Attorney General  
STATE CAPITOL  
Phoenix, Arizona 85007

Robert R. Corbin

November 4, 1980

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ARIZONA ATTORNEY GENERAL

INTERAGENCY  
Sister Clare Dunn  
Arizona State Representative  
House Wing, State Capitol  
Phoenix, AZ 85007

Re: I80-184 (R80-168)

Dear Sister Dunn:

In response to your letter, we have considered the constitutionality of H.B. 2240 (Laws 1980, Chapter 180) which granted a 5% benefit increase to "all persons who were receiving retirement benefits on or before June 30, 1979." The identical question was raised in Ariz.Att'yGen.Op. No. 75-278. In that opinion we discussed the constitutionality of H.B. 2179, 32nd Leg., 1st Reg Sess. (1975), which granted a 5% increase in the rate of retirement payments payable to persons who were receiving retirement benefits from the State Retirement System or the Arizona Teacher's Retirement System on or before June 30, 1974. We concluded that the case law in the area was in irreconcilable conflict and we therefore chose not to render a decision. Since 1975, when Ariz.Att'yGen.Op. No. 75-278 was rendered, there has been no significant change in the case law which would resolve the issue. For these reasons we adopt the conclusion of Ariz.Att'y Gen.Op. No. 75-278 and decline to render a decision as to the propriety of the legislature granting a benefit increase only to persons who were receiving benefits on or before June 30, 1979. We think such issues are better left to the courts of law.

Sincerely,

*Bob Corbin*

BOB CORBIN  
Attorney General

BC:SN:lfc